



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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1025 Vermont Avenue, NW, Suite 300
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MAY - 3 2017

RE: MUR 7091
Ibrahim Al-Rashid

Dear Mr. Birkenstock:

On July 1, 2016, the Federal Election Commission notified your client, Ibrahim Al-Rashid, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On April 25, 2017, the Commission found, on the basis of the information in the complaint, and information provided by your client, that there is no reason to believe that Ibrahim Al-Rashid violated 52 U.S.C. §§ 30116(a) or 30122. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact Marianne Abely, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Mark Allen
Assistant General Counsel

Enclosure
Factual and Legal Analysis

100-444444-119

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 **RESPONDENTS:** Patrick Murphy MUR: 7091
4 Friends of Patrick Murphy and
5 Brian Foucart in his official capacity as treasurer
6 Charlie Crist
7 Charlie Crist for U.S. Senate and Frederick Carroll
8 in his official capacity as treasurer
9 Ibrahim Al-Rashid
10 Ramzi Al-Rashid
11 Morgan Budman
12 Steven Budman
13 Ellen Budman
14 Evan Orchinik
15 Aileen Orchinik
16 Millerlandy Badillo
17 Gene Earley
18 Barbara Earley
19 Bonnie Butler
20 Bruce Butler

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22 **I. INTRODUCTION**

23 This matter was generated by a complaint filed with the Federal Election Commission
24 (the "Commission") by the Senate Leadership Fund alleging violations of the Federal Election
25 Campaign Act of 1971, as amended, (the "Act") by Patrick Murphy, Friends of Patrick Murphy
26 and Brian Foucart in his official capacity as treasurer ("Murphy Committee"), Charlie Crist,
27 Charlie Crist for U.S. Senate and Frederick Carroll in his official capacity as treasurer ("Crist
28 Committee"), Ibrahim Al-Rashid, Ramzi Al-Rashid, Morgan Budman, Steven Budman, Ellen
29 Budman, Evan Orchinik, Aileen Orchinik, Millerlandy Badillo, Gene Earley, Barbara Earley,
30 Bonnie Butler, and Bruce Butler.

1 **II. FACTUAL AND LEGAL ANALYSIS**

2 **A. Background**

3 The Complaint alleges that Ibrahim Al-Rashid used his wife, members of his wife's
4 family, his housekeeper, and employees (and spouses) of a company managed by his half-brother
5 as conduits to contribute a total of \$29,100 to the Crist Committee between March 18, 2010, and
6 September 13, 2010, and \$24,350 to the Murphy Committee between March 7, 2011, and
7 November 14, 2011.¹ According to the Complainant, the eleven alleged conduits' contributions
8 are "highly suspicious" because they have no contribution history that precedes their "out-of-
9 state contributions" to the Crist and Murphy Committees; the contributions were all made on
10 overlapping or closely-clustered dates; and the only apparent connection between the donors is
11 Ibrahim Al-Rashid.²

12 Respondents asserted that the Complaint must be dismissed because, at the time the
13 responses were filed, the applicable statute of limitations for the subject contributions either had
14 expired or was about to expire.³ The Respondents also assert that the Complaint presents no
15 evidence that they participated in a scheme involving the reimbursement of contributions.⁴
16 According to the Respondents, the donors at issue contributed to the Crist and Murphy

¹ *Id.* at 2-4. The conduit respondents include: Morgan Budman (Ibrahim Al-Rashid's wife) and members of Budman's family (Steven Budman, Ellen Budman, Evan Orchinik, and Aileen Orchinik); Millerlandy Badillo (Ibrahim Al-Rashid's housekeeper); and subordinates of Ramzi Al-Rashid (Ibrahim Al-Rashid's half-brother) at a property management company and their spouses (Gene Earley, Bruce Butler, Barbara Earley, and Bonnie Butler). *Id.* at 1. The Complaint lists Ramzi Al-Rashid, who contributed a total of \$4,800 to the Crist Committee during 2010, as a respondent but does not identify him as a conduit in the scheme or otherwise specify how or when he allegedly violated the Act or Commission regulations. *Id.* at 1, 4.

² *Id.* at 1..

³ Ibrahim Al-Rashid Resp. at 3; Representative Patrick Murphy and Friends of Patrick Murphy Resp. at 1 ("Joint Murphy Resp."); Crist Committee Resp. at 1.

⁴ Ibrahim Al-Rashid Resp. at 1; Joint Murphy Resp. at 2-3; Morgan Budman, Steven Budman, Ellen Budman, Evan Orchinik, Aileen Orchinik Resp. at 1 ("Joint Budman and Orchinik Resp."); Crist Committee Resp. at 2.

1 campaigns directly, individually, and in amounts that did not exceed the contribution limits for
2 2010 and 2011.⁵ The Respondents also assert that there is nothing unusual or suspicious about
3 family members or individuals who are employed by the same company and their spouses
4 contributing to the same candidate around the same time.⁶

5 **B. Legal Analysis**

6 The statute of limitations ("SOL") for commencing any action, suit, or proceeding for the
7 enforcement of any civil fine or penalty under the Act is five years from the date when the claim
8 first accrued.⁷ The Act limits how much an individual can contribute to a federal candidate and
9 the candidate's principal campaign committee.⁸ The Act and Commission regulations provide
10 that no person shall make a contribution in the name of another person or knowingly permit his
11 or her name to be used to effect such a contribution.⁹ Candidates, their committees, and their
12 agents are also prohibited from knowingly accepting contributions that exceed the Act's limits
13 and contributions made in the name of another.¹⁰ Candidate committees are required to file

⁵ Joint Budman and Orchinik Resp. at 2; Crist Committee Resp. at 3, Ex. A. The Crist Committee's response, at Exhibit A, includes copies of the contribution checks received from the alleged straw donors.

⁶ Ibrahim Al-Rashid Resp. at 3; Joint Murphy Resp. at 2.

⁷ See 28 U.S.C. § 2462.

⁸ 52 U.S.C. § 30116(a). During the 2010 and 2012 election cycles, an individual could contribute a maximum of \$2,400 and \$2,500, respectively, to a candidate per election. Ibrahim Al-Rashid contributed the \$4,800 maximum to the Crist Committee for the primary and general elections during the 2010 election cycle and the \$5,000 maximum to the Murphy Committee for the elections during the 2012 cycle. See Charlie Crist for U.S. Senate, 2010 April Quarterly Report at 7; Friends of Patrick Murphy, 2011 April Quarterly Report at 7-8.

⁹ 52 U.S.C. § 30122; 11 C.F.R. § 110.4(b)(1)(i), (ii). In addition, "no person shall . . . knowingly help or assist any person in making a contribution in the name of another." 11 C.F.R. § 110.4(b)(1)(iii).

¹⁰ See 52 U.S.C. §§ 30116(f) and 30122; 11 C.F.R. § 110.4(b)(1)(iv).

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1 reports of receipts and disbursements in accordance with the Act and Commission regulations.¹¹

2 As discussed in the Responses, the SOL has run on all of the activity at issue.¹²

3 Moreover, the available record does not support an inference that Ibrahim Al-Rashid made the
4 subject contributions in the names of the alleged conduits. The Complaint asserts that eleven
5 individuals and two federal candidates and their committees participated with Ibrahim Al-Rashid
6 in a "straw donor" scheme based on the relationship between Ibrahim Al-Rashid, Murphy, and
7 the contributors as well as the timing of the subject contributions, but it does not provide any
8 information that the subject contributions were not made with the personal funds of the named
9 contributors.

10 Accordingly, the Commission finds no reason to believe that Patrick Murphy violated
11 52 U.S.C. § 30122; that the Murphy Committee violated 52 U.S.C. §§ 30116(f) or 30122; that
12 Charlie Crist violated 52 U.S.C. § 30122; that the Crist Committee 52 U.S.C. §§ 30116(f) or
13 30122; that Ibrahim Al-Rashid violated 52 U.S.C. §§ 30116(a) or 30122; or that the other
14 individual Respondents violated 52 U.S.C. § 30122.¹³

¹¹ See 52 U.S.C. § 30104(a)(2); 11 C.F.R. § 104.14(d) (each treasurer of a political committee shall be responsible for the timely, complete and accurate filing of disclosure reports). See also 52 U.S.C. § 30104(b)(3)(A) (each committee treasurer shall keep an account of the identification of any person who makes a contribution or contributions aggregating more than \$200 during a calendar year, together with the date and amount of any such contribution).

¹² Ibrahim Al-Rashid Resp. at 3; Joint Murphy Resp. at 1; Crist Committee Resp. at 1. At the time of the Complaint, June 22, 2016, the SOL had already expired on \$64,700 of the \$68,950 alleged in violation. The SOL expired on the most recent activity on November 14, 2016.

¹³ The Complaint also alleges that Patrick Murphy, who served as the treasurer of his committee between March 4, 2011, and July 18, 2012, falsely reported the occupation and employer of contributor Millerlandy Badillo, who gave \$300 to the Murphy Committee in 2011. Compl. at 3-5. See Friends of Patrick Murphy Statement of Organization (Mar. 4, 2011); Amended Statements of Organization (Feb. 13, 2012; July 18, 2012). The Complaint asserts, based on a 2012 police report regarding a burglary at Ibrahim Al-Rashid's home, that Murphy must have known that Badillo was Ibrahim Al-Rashid's housekeeper and not an employee of Limestone Property Management in Austin, Texas, as disclosed by Murphy in his capacity as treasurer. Compl. at 3-4, Ex. A. In view of the small size of Badillo's contribution, the Commission dismisses the allegation that Murphy falsely reported the occupation and employer of a contributor.